

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 2454 OF 2018**

Salim Bashir Bhilwade

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Hrishikesh Mundargi a/w Mr. S. Sarkar & Mr. M. Gupta,  
Advocate, for the Applicant

Mrs. S. S. Shinde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17.10.2018**

**P.C.**

. Heard learned counsel for the parties.

2. This is the second Bail Application. The first Bail Application of the Applicant was rejected on merits by this Court vide order dated 28.06.2017.

3. By this second Bail Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 128 of 2016 registered with the Miraj Police Station (Rural), District – Sangli,

for the alleged offences punishable under Sections 302, 324, 143, 147, 148, 149, 120B r/w 109 of the Indian Penal Code and under Sections 4, 25 & 27 of the Indian Arms Act.

4. Learned counsel for the Applicant submits that the a change of circumstance, inasmuch as, after the Applicant's first bail Application was rejected, two co-accused - Mayur Kamble & Mohsin Shikalgar have been enlarged on bail by this Court vide orders dated 19.06.2018 & 05.09.2018. He submits that the role of the Applicant is identical to that of co-accused - Mayur Kamble & Mohsin Shikalgar, who have been enlarged on bail by this Court vide the said orders.

5. Learned APP does not dispute the same.

6. Perused the papers. The Applicant's first Bail Application was rejected on merits by this Court ( Coram : Revati Mohite Dere, J. ) vide order dated 28.06.2017 passed in Cri. B. A. No. 396 of 2017. It is not in dispute that subsequently, co-accused - Mayur Kamble was enlarged on bail by this Court vide order

dated 19.06.2018 & Mohsin Shikalgar was enlarged on bail by this Court vide order dated 05.09.2018. A perusal of the statements of Vishnu Ananda Pawar and Sou. Indubai Arun Kamble, shows that the deceased had disclosed to them, that he was assaulted by the Applicant, Mayur Kamble & Mohsin Shikalgar. Similarly, the statement of the eye witness – Khijar Gulam Mushrif also shows that the Applicant was present with Mayur Kamble, Mohsin Shikalgar and others at the time of the assault on the deceased. Having regard to the subsequent development i. e. enlargement of co-accused - Mayur Kamble & Mohsin Shikalgar on bail and considering the fact, that the role of the Applicant is identical to that of co-accused - Mayur Kamble & Mohsin Shikalgar, the Applicant also deserves to be enlarged on bail on the following terms & conditions :-

**ORDER**

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 50,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall not reside in Miraj till the conclusion of the trial and shall enter the jurisdiction of Miraj only

on the dates given by the trial Court;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall attend the trial Court on all the dates given by the trial Court;

(v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The Applicant shall file an undertaking with respect to Clauses (ii) to (v) within two weeks of his release in the trial Court;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this  
order.

**(REVATI MOHITE DERE, J.)**